STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AMEREN ILLINOIS COMPANY	)	
d/b/a Ameren Illinois, Petitioner	)	
	)	Docket No. 12-0089
Approval of Multi-Year Performance	)	
Metrics Pursuant to Section 16-108.5(f) and	)	
(f-5) of the Public Utilities Act.	)	

BRIEF OF AMEREN ILLINOIS COMPANY

DATED: April 17, 2012

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I. INTRODUCTION

Section 16-108.5 of the Illinois Public Utilities Act ("PUA" or the "Act") permits a combination utility serving more than 1,000,000 customers in Illinois to become a "participating utility" in Illinois' infrastructure investment program to improve and modernize the State's electrical grid. 220 ILCS 5/16-108.5(b). By electing to participate, the utility is required to make significant and incremental distribution and "Smart Grid" investments over the next 10 years. *Id.* In turn, the utility may recover its delivery service costs, including its incremental investments, through a performance-based formula rate approved by the Illinois Commerce Commission ("ICC" or the "Commission"). 220 ILCS 5/16-108.5(b) & (c). Any utility that so files a performance-based formula rate tariff must, within 30 days of that filing, develop and file with the Commission certain multi-year metrics designed to achieve improvement over baseline values in specified performance categories over a 10-year period. 220 ILCS 5/16-108.5(f). In addition, the utility must file with the Commission a separate tariff mechanism that applies financial penalties applicable to the performance metrics for the utility's failure to achieve its performance goals. 220 ILCS 5/16-108.5(f-5).

On January 3, 2012, Ameren Illinois Company d/b/a Ameren Illinois ("Ameren", "AIC" or the "Company"), both a "combination utility" and a "participating utility" under Section 16-108.5(b), filed with the Commission and requested approval of a performance-based formula rate tariff, Rate Modernization Action Plan-Pricing ("Rate MAP-P"). *See generally* ICC Docket No. 12-0001. Accordingly, within 30 days thereafter, on February 2, 2012, and pursuant to Sections 16-108.5(f) and (f-5), AIC filed with the Commission a verified petition requesting that the Commission issue an order approving the Multi-Year Performance Metrics Plan ("Metrics Plan") (Ameren Ex. 1.1) developed by the Company to comply with Section 16-108.5(f) and its proposed separate tariff mechanism, Rider Modernization Action Plan-Metrics ("Rider MAP-M") (Ameren Ex. 2.1), initiating the instant proceeding. In support of its petition, AIC also submitted the direct testimony of Michael S. Abba (Ameren Ex. 1.0 (Abba Dir.)), Jacqueline K. Voiles (Ameren Ex. 2.0 (Voiles Dir.)) and James P. Keating (Ameren Ex. 3.0 (Keating Dir.)).

The Commission's Staff submitted direct testimony that raised certain issues regarding some of the Company's baseline value calculations and resulting performance goals outlined in the Metrics Plan as well as certain language contained in Rider MAP-M. AIC's rebuttal testimony, however, addressed those concerns to the satisfaction of Staff. At present, no witness for any party to this proceeding, including Commission Staff, disputes the baseline values and annual performance goals presented in AIC's revised Metrics Plan (Ameren Ex. 4.1). Nor does any witness take issue with the language of AIC's revised Rider MAP-M (Ameren Ex. 5.1). Accordingly, the Commission should approve the revised Metrics Plan and Rider MAP-M.

The Citizens Utilities Board ("CUB"), the American Association of Retired Persons ("AARP") and the Illinois Attorney General on behalf of the People of the State of Illinois (the "AG") intervened in this proceeding (collectively, the "Intervenors"). None of these parties disputes AIC's proposed Metrics Plan and Rider MAP-M (either as initially filed or as revised in agreement with Staff). Instead, those parties intervened to raise broader issues – issues that are neither explicitly addressed in Section 16-108.5(f) or (f-5) nor properly the subject of this expedited and narrowly tailored Commission proceeding. Specifically, CUB witness Christopher C. Thomas recommends that the Commission order workshops to identify additional metrics – not expressly identified in the "Smart Grid" legislation – related to his notion of what an ideal "enhanced customer experience" should be. (CUB Ex. 1.0 (Thomas Dir.).) Likewise, joint AARP/AG witness Barbara R. Alexander recommends that the Commission order the

Company to identify how the current disconnection rules set forth in Part 280 of the Commission's rules impact the Company's ability to achieve its required performance standards for certain metrics at issue in this proceeding. (AARP/AG Ex. 1.0 (Alexander Dir.).) The recommendations of CUB and AARP/AG are beyond the scope of the Commission's review of AIC's Metrics Plan and Rider MAP-M and are misplaced in this proceeding. The Commission must reject them.

II. SECTION 16-108.5(f) & (f-5) OF THE PUBLIC UTILITIES ACT

Section 16-108.5(f) sets forth the specific multi-year metrics, designed to achieve improvement over baseline performance values over a 10-year period, which a participating utility must develop and present to the Commission for approval. Those metrics required of a combination utility under the Act, such as Ameren Illinois, are as follows:

(1) 20% percent improvement in the System Average Interruption Frequency Index ("SAIFI"), using a baseline of the average of the data from 2001 through 2010;

(2) 15% percent improvement in the system Customer Average Interruption Duration Index ("CAIDI"), using a baseline of the average of the data from 2001 through 2010;

(3) 75% percent improvement in the total number of customers who exceed the service reliability targets set forth in 83 Ill. Admin. Code Part 411.140(b)(4)(A)-(C) as of May 1, 2011, using 2010 as the baseline year;

(4) 56% reduction in the issuance of estimated electric bills, using a baseline of the average number of estimated bills for the years 2008 through 2010;

(5) 56% reduction in consumption on inactive meters, using a baseline of the average unbilled kilowatt hours ("KWh") for the years 2009 and 2010; and

(6) $3,500,000 or greater reduction in uncollectible expense, using a baseline of the average uncollectible expense for the years 2008 through 2010.

220 ILCS 5/16-108.5(f)(1)-(2), (4)-(6), (8). Regarding the baseline values for metrics (4) through (6) above, the Section further provides those metrics and performance goals "are based on the

assumptions that the participating utility may fully implement the technology and that there is no requirement for personal on-site notification." 220 ILCS 5/16-108.5(f).

In addition to the metrics outlined above, Section 16-108.5(f) requires a participating utility, including a combination utility, to design a performance metric to improve opportunities for minority-owned and female-owned business enterprises consistent with Illinois and federal law using a base performance value of the percentage of the participating utility's capital expenditures that were paid to minority-owned and female-owned business enterprises in 2010. 220 ILCS 5/16-108.5(f)(9).

Section 16-108.5(f) also specifies how the yearly performance goals are to be determined. Per that Section, the yearly incremental performance goals are ratably (i.e., in equal segments) determined by proportioning the required 10-year improvement amount equally over the 10-year period. In other words, to determine the annual incremental amount for improvement, one simply divides the required aggregated amount for improvement by 10. (Ameren Ex. 1.0, p. 3.)

The statutory framework allows a participating utility to choose when the 10-year performance period begins, provided that the SAIFI, CAIDI and service reliability targets metrics (metrics (1), (2) and (3) above, hereinafter the "reliability related metrics"), and the minority-owned and female-owned business opportunities metric have a performance period beginning no later than 14 months following the date on which the utility begins investing in its infrastructure investment program. 220 ILCS 5/16-108.5(f). For metrics that utilize the technology or functionality that will be implemented under an Advanced Metering Infrastructure ("AMI") Deployment Plan (i.e., the estimated electric bills, consumption on inactive electric meters and uncollectible electric expense metrics (metrics (4), (5) and (6) above, hereinafter the "AMI-related metrics"), the utility must elect a start date that is no later than 14 months following the Commission's order approving the AMI Plan at issue. *Id*.

The Act also imposes penalties on a participating utility for its failure to meet an annual incremental performance goal. Specifically, Section 16-108.5(f-5) imposes financial penalties in the form of a specific reduction to a participating utility's return on common equity used in the determination of its net revenue requirement related to the performance-based formula rate, dependent upon the specific performance metric and the period of non-compliance, with certain caps on the total penalties that may be assessed in each year of the 10-year period. 220 ILCS 5/16-108.5(f-5)(1)-(6). Penalties are to be applied for the 12-month period in which the deficiency occurred via a separate tariff mechanism. 220 ILCS 5/16-108.5(f-5). In addition, Section 16-108.5(f-5) provides, in the event the applicable formula rate tariff terminates, "the utility's obligations under subsection (f) of this Section and this subsection (f-5) shall also terminate, provided, however, that the tariff mechanism . . . shall remain in effect until any penalties due and owing at the time of such termination are applied." *Id*.

Finally, Section 16-108.5(f-5) requires the Commission, after notice and a hearing, to enter an order within 120 days after the filing of a metrics plan and tariff, either approving or approving with modification such plan and tariff. On June 1 of each year subsequent to the Commission's order, the utility must file a report with the Commission describing performance under each metric for the prior year and identifying any extraordinary events that adversely impacted its performance. If a utility does not satisfy a performance metric in a given year and such failure to perform is not excused, Section 16-108.5(f-5) requires the Commission, after notice and a hearing, to enter an order approving financial penalties consistent with the Act. *Id*.

III. PROPOSED 10-YEAR PERFORMANCE PERIOD

Pursuant to the timing requirements of Section 16-108.5(f), for AIC, the 10-year performance period for the Company's proposed reliability-related metrics, and the minority-owned and female-owned business metric must commence no later than March 1, 2013. (Ameren Ex. 1.0, p. 4.) The 10-year performance period for AIC's proposed AMI-related metrics must begin no later than August 1, 2013. (*Id.*) However, rather than establish two separate performance periods, AIC proposed to begin the 10-year performance period for all performance metrics on January 1, 2013, provided the Commission approves the Metrics Plan proposed by the Company in this proceeding and its proposed AMI Plan in Docket No. 12-0244 without substantial modification and within a schedule that accommodates a January 1, 2013 start date. (*Id.*) Neither Staff nor Intervenors take issue with AIC's proposed performance period start date. Accordingly, the Commission should approve it.

IV. <u>PROPOSED METRICS PLAN</u>

AIC's proposed Metrics Plan was developed to comply with Section 16-108.5(f) and outlines incremental performance goals designed to measure whether AIC is on track to achieve the performance goal related to each metric at the end of the applicable 10-year period. (Ameren Ex. 1.0, pp. 4-5.) There is no present dispute regarding the baseline values or performance goals for any of the metrics in AIC's proposed Metrics Plan, as revised and presented on rebuttal (Ameren Ex. 4.1). As such, AIC's Metrics Plan, as presented on rebuttal, should be approved.

A. <u>Reliability-Related Metrics</u>

1. System Average Interruption Frequency Index Metric

The System Average Interruption Frequency Index ("SAIFI") is "the average number of interruptions per customer during the year." 83 Ill. Admin. Code 411.20. SAIFI is calculated by dividing the total number of customer interruptions by the total number of customers served for a given year. *Id.* In its direct case and Metrics Plan as initially filed, AIC relied on data derived from Part 411 reliability reports submitted to the Commission by its predecessor companies to calculate an average SAIFI baseline of 1.28, taking into account the exclusion of extreme weather days as required by Section 16-108.5(f). (Ameren Ex. 1.0, p. 6; Ameren Ex. 1.1, pp. 5-6; 220 ILCS 5/16-108.5(f).) Staff witness John Stutsman, however, took issue with AIC's initial SAIFI calculations, specifically the source data on which the calculations were based and the number and type of outages included therein. (ICC Staff Ex. 1.0 (Stutsman Dir.), pp. 16-17.)

Mr. Stutsman recommended that AIC recalculate its SAIFI baseline on rebuttal using available raw outage data without interruptions that are excludable under Part 411.20. (*Id*., p. 17; Tr., pp. 34-36.) In response to Mr. Stutsman's concerns, AIC recalculated its SAIFI values, using the source data and methodology recommended by Mr. Stutsman, and presented with its rebuttal testimony a revised SAIFI baseline of 1.13 and revised resultant incremental performance goals. (Ameren Ex. 4.0 (Abba Reb.), pp. 4, 7-8; Ameren Ex. 4.1, pp. 4-8; Tr., pp. 39-40.) Mr. Stutsman agreed with the SAIFI methodology and numbers presented in AIC's revised Metrics Plan (Ameren Ex. 4.1), (Ameren Cross Exhibit 1 Stutsman (Mr. Stutsman's response to data request AIC-Staff 3.01)), and was satisfied with the methodology and source data AIC used on rebuttal, as appropriate for calculating the SAIFI baseline, (Tr. pp. 40-43). Mr. Stutsman agreed, if utilities were to calculate their SAIFI values as AIC had done on rebuttal, they "would be doing exactly what the Act tells you to do," and Mr. Stutsman "would expect them to do it that way." (Tr., pp. 46-47.) The methodology used by AIC on rebuttal to calculate its SAIFI values is consistent with the requirements of the Act and is the methodology that AIC intends to use to calculate achievement of its incremental annual SAIFI performance goals.

Accordingly, there is no dispute regarding this component of AIC's Metrics Plan.[1] The

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[1] Neither CUB nor AARP/AG raised any issues relating to the calculation of this metric baseline (or the baseline for any metric, for that matter).

Commission should approve the baselines and incremental performance goals for the SAIFI metric presented in Ameren Exhibit 4.1, the revised Metrics Plan. The Commission also should expressly affirm that the methodology AIC used to calculate the SAIFI metric baseline should be the methodology AIC uses to calculate achievement of the incremental SAIFI performance goals.

2. Customer Average Interruption Duration Index Metric

The Customer Average Interruption Duration Index ("CAIDI") is "the average interruption duration for those customers who experience interruptions during the year." 83 Ill. Admin. Code 411.20. It is calculated by dividing the sum of all customer interruption durations by the total number of customer interruptions for a given year. *Id*. The methodology initially employed by AIC to calculate its CAIDI baseline and year 10 performance goal was similar to that initially used by the Company to calculate its SAIFI baseline and performance goal. (Ameren Ex. 1.1, pp. 4-5, 7-8.) As such, Staff witness Mr. Stutsman also took issue with AIC's CAIDI calculations. (ICC Staff Ex. 1.0, pp. 16-17.) On rebuttal, AIC revised its CAIDI calculations consistent with the methodology proposed by Mr. Stutsman, resulting in a revised CAIDI baseline of 156 minutes. (Ameren Ex. 4.0, pp. 4, 7-8; Ameren Ex. 4.1, pp. 4-5, 7-8.) Staff agreed with those revised calculations. (Ameren Cross Exhibit 1 Stutsman (Mr. Stutsman's response to data request AIC-Staff 3.01).) As with its SAIFI metric, AIC intends to rely on this approved methodology when calculating its achievement of the annual incremental CAIDI performance goals. As a result, there is no longer any dispute regarding this component of AIC's Metrics Plan. The Commission should approve AIC's calculated CAIDI baseline and incremental performance goals as revised and presented on rebuttal (Ameren Ex. 4.1) and should expressly affirm that AIC should rely on the same methodology to calculate its achievement of those incremental performance goals.

3. Service Reliability Targets Metric Related to Part 411.140

Staff witness Mr. Stutsman expressly determined that AIC's proposed baseline values and calculations for the service reliability targets metric are correct. (ICC Staff Ex. 1.0, p. 3.) Neither CUB nor AARP/AG raised any issues relating to this metric. Accordingly, there is no dispute regarding this component AIC's Metrics Plan. The Commission should approve the baseline values and calculated incremental performance goals for service reliability targets metric.

B. Advanced Meter Infrastructure-Related Metrics

1. Estimated Bills, Consumption on Inactive Meters, and Uncollectible Expense Metrics Baseline Values and Performance Goals

As stated, the AMI-related metrics are those metrics which are dependent on the deployment of AMI technology. (Ameren Ex. 1.0, p. 8.) Pursuant to Section 16-108.5(f), these metrics "are based on the assumptions that the participating utility may fully implement [AMI technology], including utilizing the full functionality of such technology and that there is no requirement for personal on-site notification." 220 ILCS 5/16-108.5(f). As such, the annual performance goals associated with these metrics are dependent on the Commission's approval of AIC's AMI Plan and on the Commission declining to otherwise impose an on-site disconnection notification requirement. (Ameren Ex. 1.0, pp. 9-10.) Like the reliability-related metrics, neither Staff nor Intervenors proposed any alternatives to the baseline values and annual performance goals proposed in AIC's Metrics Plan related to the AMI-related metrics. The Commission should approve those baseline values and annual performance goals, as well.

2. AARP/AG Recommendation that AIC Identify How On-Site Notification Requirement Impacts the AMI-Related Metrics

While AARP and AG do not take issue with the baseline valuations or performance goals contained in AIC's proposed Metrics Plan, including those related to the AMI-related metrics, AARP/AG witness Ms. Alexander recommends:

> that the Commission require Ameren to identify how and to what degree the retention of the current premise visit requirement associated with disconnection of service for nonpayment for residential customers would impact the Company's ability to achieve its required performance standards for each of the AMI-related metrics during the 10-year plan. Once such information has been identified and proposed by Ameren, other parties and the ICC Staff should have an opportunity to review and comment on the Company's estimated impacts. The Commission should then issue an order making findings of fact and conclusions with respect to this matter so there is no dispute or uncertainty about the current obligation of the Company to comply with the premise visit requirement of Part 280 associated with disconnection for nonpayment and the manner in which Ameren will track and evaluate the impact of that policy in its future compliance with its proposed AMI-related metrics.

(AG/AARP Ex. 1.0, p. 12, ll. 253-64.)

Ms. Alexander's recommendation is without merit, particularly in this docket. Notably, her proposal attempts to add certain obligations to Section 16-108.5(f) where no such obligations exist. Rather, the legislature has made clear the relevant baselines and other criteria to be met with regard to the metrics at issue.

Moreover, whether and to what extent a premises visit is required prior to disconnection is governed by the Commission's Part 280 rules. Those rules are currently under revision. *See generally* ICC Docket No. 06-0703. AIC does and will abide by the requirements of Part 280, today and whatever the final rule may be with regard to the premises visit, irrespective of its Metrics Plan. (Ameren Ex. 5.0 (Voiles Reb.), p. 6.)

Furthermore, the AARP/AG proposal is vague and never explained in a meaningful way. Take for example the metric requiring the utility to increase minority and female business spending. Why or how Ameren Illinois' ability to identify how and to what degree the retention of the current premises visit requirement associated with disconnection of service for nonpayment for residential customers would or could impact the Company's ability to spend more money on minority and female businesses is purposeless. The same can be said regarding the other metrics and their connection, if any, to the current premises visit requirements.

Ms. Alexander's proposal also overlooks that there are procedural avenues, more appropriate than the instant proceeding, for her concern regarding premises visits at the time of disconnection. That is, AG and AARP could file a complaint pursuant to the Commission's rules of practice, engage the Commission's Staff and ask that it file a report with the Commission, or simply send correspondence to the Commission, to address the concern Ms. Alexander raises. (*Id*.)

Ms. Alexander agreed her position in this proceeding is generally the same as that taken in ICC Docket No. 11-0772, governing Commonwealth Edison Company's ("ComEd") petition for approval of a metrics plan pursuant to Section 16-108.5(f) and (f-5) of the PUA. (Ameren Cross Ex. 1 Alexander (Ms. Alexander's response to data request AIC-AARP/AG 1.01).) Notably, the Commission recently rejected Ms. Alexander's recommendations in that docket:

> The Commission declines to adopt the proposal of AG/AARP to require the Company to identify how the current disconnection rules set forth in Part 280 of the Commission's Rules impact the Company's ability to achieve its required performance standards for each of AMI-related metrics during the 10-year plan. This docket is for the approval of the annual performance goals under the metrics. At the present time there is a notice provision contained in Part 280. The Commission will be reviewing all of the information provided by the Company to determine whether compliance with the Act and Commission rules has taken place.

ICC Docket No. 11-0772 Order, pp. 16-17 (Apr. 4, 2012). The Commission should take no different approach here with respect to the same exact recommendations and should similarly decline to adopt Ms. Alexander's proposals presented in this proceeding.

C. Opportunities for Minority-Owned and Women-Owned Business Enterprises Metric

Related to the opportunities for minority-owned and female-owned business enterprises metric, AIC proposed a baseline performance value of the percentage of the Company's capital expenditures that were paid to minority-owned and female-owned business enterprises in 2010, and developed a performance goal of increasing contracting with minority-owned and female-owned businesses by 15% over a 10-year period, to $17 million annually. (Ameren Ex. 3.0, p. 2.) Neither CUB nor AARP/AG raised any issues relating to this metric. Accordingly, there is no dispute regarding this component of AIC's Metrics Plan. The Commission should approve it.

V. PROPOSED RIDER MAP-M

The Company's proposed Rider MAP-M is intended to serve as the separate tariff mechanism required by Section 16-108.5(f-5) to apply the penalties outlined in that section.

A. Agreement with Staff regarding Tariff Language

Staff witness Burma Jones proposed several revisions to the tariff language for Rider MAP-M to correct certain terminology in the tariff, to incorporate language to indicate how determination of the performance metrics penalty is to be included in the annual informational filing for Rate MAP-P, and to amend language regarding how the penalty is determined if AIC requests a penalty waiver because it has not met the target level of achievement. (ICC Staff Ex. 2.0 (Jones Dir.), p. 2.) AIC agreed to all of Staff's proposals in this regard. (Ameren Ex. 5.0, pp. 2-3; Ameren Ex. 5.1.)

Ms. Jones also proposed that the Company include in the tariff language for Rider MAP-M the formula to calculate AIC's performance relative to its goal for each metric "to promote transparency and to remove any ambiguity regarding how the Company will determine if it has achieved its respective annual performance goal," and she proposed a methodology toward that end. (ICC Staff Ex. 2.0, pp. 2, 5.) AIC agreed to include in Rider MAP-M Ms. Jones' proposed formula for the AMI-related metrics. (Ameren Ex. 5.0, p. 3.) However, the Company does not believe such formula is necessary for the reliability-related metrics because the performance goal for those metrics is not achieved if the Company's performance year actual result is greater than the performance year goal. (*Id*., pp. 3-4.) Ms. Jones agreed with the Company that a formula was not needed for those metrics for the reasons offered by AIC. (Ameren Cross Exhibit 1 Jones (Ms. Jones' response to data request AIC-Staff 2.01).)

B. <u>AARP/AG's Recommended Revision to Tariff Language</u>

Like Staff witness Ms. Jones, AARP/AG witness Ms. Alexander recommended that the Rider MAP-M tariff language be amended to appropriately reflect how the penalty is determined if AIC requests a penalty waiver because it has not met a target level of achievement. (AARP/AG Ex. 1.0, p. 13.) AIC's revisions to its initially proposed Rider MAP-M noted above and as set forth in Ameren Exhibit 5.1 address Ms. Alexander's concern.

Proposed Rider MAP-M, revised and as agreed to by Staff and the Company, is presented as Ameren Exhibit 5.1. There are no remaining issues regarding the tariff language for Rider MAP-M. As such, the Commission should approve it.

VI. <u>ANNUAL REPORTING ON METRICS</u>

As explained by Company witness Mr. Abba, AIC will comply with all statutory reporting requirements. Specifically, on June 1 of each year subsequent to the Commission's order approving, or approving with modification, AIC's proposed Metrics Plan and accompanying Rider MAP-M, AIC will file a report with the Commission describing its performance under each metric for the prior year and identifying any extraordinary events that adversely impacted AIC's performance. (Ameren Ex. 1.0, p. 10.) Neither Staff nor Intervenors take issue with AIC's proposal in this regard. It should be approved.

VII. CUB PROPOSED WORKSHOP PROCESS TO IDENTIFY ADDITIONAL METRICS

CUB witness Mr. Thomas does not take issue with AIC's interpretation of any of the metrics outlined in Section 16-108.5(f), the performance goals set forth in the Company's proposed Metrics Plan or any of the baseline values on which those goals are established. (Tr., p. 68.) However, he recommends the Commission adopt additional, yet unidentified and undefined, performance metrics beyond those explicit in the Act, to evaluate whether AIC's investments are delivering an "enhanced customer experience." (CUB Ex. 1.0, p. 5.) He further recommends that the Commission initiate workshops to consider his additional metrics. (*Id.*)

Mr. Thomas' recommendation lacks any basis in Section 16-108.5. He opines that Section 16-108.5 "places the Commission in a position to consider strategically how the investments Ameren makes as an electing utility under this new Act can be best positioned to serve Ameren's customers," and that "[t]he Act presents the Commission with opportunities to improve the electric industry's performance, in terms of both innovation and cost-effectiveness, with mandatory infrastructure investments made over multiple years." (CUB Ex. 1.0, p. 4, ll. 48-53.) However, he cannot point to any provision in Section 16-108.5 that supports his interpretations of the Act, and he concedes there is no specific provision which directly supports his opinions in this regard. (Tr., pp. 59-60.) In fact, he admits the "broader objectives" he calls for (CUB Ex. 1.0, p. 5, l. 74) are different than the specific metrics outlined in Section 16-108.5 and are not otherwise contained in that Section. (Tr., pp. 66-67.) Further, he admits the "enhanced customer experience" he champions is other than that referenced in Section 16-108.5, and is his own concept. (CUB Ex. 1.0, p. 4; Tr., pp. 62-63, 65-66.) Indeed, he concedes he is not a lawyer and is not attempting to define or interpret what the General Assembly meant in its discussion of "enhanced customer experience" in Section 16-108.5. (Tr., p. 63).

At the April 9, 2012 hearing in this matter, Mr. Thomas testified the written testimony he submitted in this docket is substantially the same as the testimony he submitted in Docket No. 11-0772, and that his recommendations in this proceeding are the same as those he presented in that docket. (Tr., pp. 56-57.) He further agreed the additional metrics he is recommending in this proceeding are the same as the additional metrics he recommended in Docket No. 11-0772. (*Id*., p. 58.) Notably, with respect to his recommendations in that docket, the Commission recently found:

> Section 16-108.5(f) unambiguously sets forth the 10 metrics that a participating utility must develop and file with the Commission and specifies penalty provisions related to nine of those metrics. Moreover, after notice and hearing, the Commission must enter an order within 120 days after these metrics are filed. The subject of that order is limited to "approving, or approving with modification, a participating utility's tariff or mechanism to satisfy *the metrics set forth in subsection (f) of this Section*." 220 ILCS 5/16-108.5(f-5). * * * The Commission believes that while the CUB/City proposal contains good ideas concerning important additional metrics, the statute's narrow scope and limited time period makes the inclusion of additional requirements not feasible. And while the Commission is concerned that there is no natural home for the overlapping big-picture issues that CUB/City has raised, the current proceeding is not the appropriate docket for addressing these issues.

Docket No. 11-0072 Order, p. 29 (Apr. 4, 2012) (emphasis in original).

Moreover, Mr. Thomas' recommendations are superfluous and duplicative. He does not dispute the Commission has in the past reviewed utilities', including AIC's, reliability as determined by its Part 411 rules. (Tr., p. 58.) Further, he agrees the PUA contains provisions that address the Commission's oversight with regard to a utility's reliability and performance. (Tr., p. 58-59.) And, although he opines that "the Commission will need a roadmap to use from year to year as it reviews Ameren's progress towards meeting its investment obligations," (CUB

Ex. 1.0, p. 4, ll. 54-56), he admits AIC's Infrastructure Improvement Plan and AMI Plan, which he reviewed in preparation for the April 9, 2012 hearing, present just such a road map and explain the Company's investment over the next 10 years. (Tr., pp. 56, 61-62.) Finally, he agrees the potential benefits of his recommended unidentified metrics are already being addressed in those plans. (*Id*., pp. 74-76.)

Regarding Mr. Thomas' recommendation related to the initiation of workshops to discuss additional, unidentified metrics, in Docket No. 11-0772, the Commission did direct the parties to consider in the forthcoming proceeding on ComEd's AMI deployment plan Mr. Thomas' proposed metrics to the extent they relate to the deployment of AMI meters. *See* Docket No. 11-0072 Order, p. 29 (Apr. 4, 2012). However, Mr. Thomas admitted at the hearing in this proceeding that he did not have in mind a specific period of time over which his proposed workshops would take place. (Tr., pp. 69-70.) He agreed the Docket No. 11-0772 Order did not contain one, nor did it contain a discussion regarding the impact of any report generated by those workshops that reflected only one party's views about additional metrics. (*Id*., p. 72.) In fact, he believes it is unlikely that, despite their best efforts, all parties would come to the same agreement regarding the additional metrics. (*Id*., pp. 72-73.)

AIC does not require a party to be in a docketed proceeding in order to express views or issues of a different nature. CUB and AARP/AG routinely meet with Company personnel outside of Commission proceedings on a variety of matters. The point being, time and resources are unnecessarily expended in Commission proceedings when parties expound on matters parochial in nature. While it may be that the Commission makes the same findings in this docket as it did in the ComEd docket regarding CUB and AARP/AG's positions, AIC strongly encourages the Commission to remind parties to stay focused on the tasks at issue. The

Commission's docket and agenda is already filled with a multitude of complicated matters. Adding topics outside the scope of a docketed proceeding is not only improper, but also inefficient and at times, burdensome.

VIII. CONCLUSION

For the reasons stated herein, the Commission should approve AIC's proposed Metrics Plan and Rider MAP-M, as revised and agreed to by Staff and as set forth in Ameren Exhibits 4.1 and 5.1, respectively. Both AARP/AG's recommendations regarding additional reporting relating to the AMI-related metrics and CUB's recommended, yet unidentified and undefined, additional metrics and related proposed workshops, are misplaced in this proceeding and without merit. Their recommendations should be rejected.

DATED: April 17, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Albert D. Sturtevant, certify that on April 17, 2012, I caused to be served a copy of the foregoing Brief of Ameren Illinois Company by electronic mail to the individuals on the Commission's Service List for Docket No. 12-0089.

/s/ Albert D. Sturtevant
Attorney for Ameren Illinois Company